

INCLUSION OF
SPECIAL POPULATIONS
IN THE STATE-REQUIRED
ASSESSMENT AND ACCOUNTABILITY
PROGRAMS
703 KAR 5:070

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INTRODUCTION, BACKGROUND, AND PURPOSE

According to KRS 158.6455, it is the intent of the General Assembly that schools succeed with all students. The state-required Assessment and Accountability Programs are inclusive of all students at specific grade levels. ~~[The Disabilities and Diversity Advisory Committee, which includes teachers, school administrators, university representatives, advocacy representatives, and members of the Department of Education, was established at the beginning of the test development process to consider issues related to the inclusion of special populations in the state-required Assessment and Accountability Programs. The conclusions and advice of the Committee were incorporated in this document.]~~

The purpose of this document is to provide direction for the inclusion of special populations in the state-required Assessment and Accountability Programs. These populations include:

- students with disabilities;
- students who attend programs classified as alternative ~~[Non-A1]~~ as defined in 703 KAR 5:240 ~~[5:040]~~ and state agency children as provided in 505 KAR 1:080;
- students whose primary language is not English;
- students receiving instruction in home/hospital settings as specified in 704 KAR 7:120 (i.e., homebound instruction, not home schools); or
- students who have 504 Plans or temporary medical conditions that necessitate accommodations for participation.

~~[Section 6 provides conditions for implementing accommodations for students participating in the state-required Assessment and Accountability Programs.]~~

Accommodations are intended to provide support for students during instruction to access and learn content as well as to demonstrate content achievement during assessment. Accommodations do not reduce learning expectations and are not intended to be a substitute for specific instruction in reading and language. Accommodations shall be individualized and specifically designed to aid the student as the student learns, being faded or reduced as the student gains/demonstrates increased skill and confidence and moves toward greater independence. Modifications, however, refer to practices that change, lower, or reduce learning expectations. Modifications can increase the gap between the achievement of students with disabilities and expectations for proficiency at a particular grade level. Modifications shall not be used for state-required assessment although they may be appropriate for instruction.

STUDENT INCLUSION

The provisions in this document are applicable to all students except those who are:

- Twenty-one (21) years of age or older who are part time students attending less than six (6) hours per day.
- Enrolled in an Adult General Education Diploma (GED) Program and are not officially enrolled in a Kentucky public high school.

These students are considered dropouts for accountability purposes, and therefore, are not subject to the inclusion policies described in this document. Students enrolled in a secondary GED Program offered by a Kentucky public high school are not considered to be dropouts for accountability purposes, and therefore, are subject to the inclusion policies described in this document.

SUMMARY OF THE STANDARDS FOR INCLUSION OF SPECIAL POPULATIONS

- All students with disabilities shall participate in the state-required Assessment and Accountability Programs.
- A small percentage of students with disabilities shall participate in the Alternate Assessment Program. These students are generally those who have moderate to severe cognitive disabilities and represent approximately one (1) percent of the total student population.
- Students with temporary medical conditions or who qualify under Section 504 of the Rehabilitation Act of 1973 for a 504 Plan shall participate in the state-required Assessment and Accountability Programs.
- Each school shall assess all students with limited English proficiency enrolled on the first day of the testing window. [~~(see page 8, SECTION 3 – INCLUSION OF LIMITED ENGLISH PROFICIENCY (LEP) STUDENTS for specifics of assessment and accountability and for exceptions applicable to LEP students during their first year of enrollment in a United States school.)~~]
- Students receiving instruction in home/hospital settings shall participate in the state-required Assessment and Accountability Programs unless participation [~~in the state required assessment~~] would jeopardize a student's physical, mental or emotional well-being, and a school or district has submitted a request for medical exemption, which is subject to the approval of the Kentucky Department of Education (KDE) and which describes the medical condition that warrants exempting a student from all or portions of the assessments.
- Students selected to participate in the National Assessment of Educational Progress (NAEP) testing shall take the assessment following NAEP administration rules.

SECTION 1 - INCLUSION OF STUDENTS WITH DISABILITIES

Students with disabilities are students who meet the criteria under KRS 157.200 and Kentucky Administrative Regulations (707 KAR Chapter 1) related to Exceptional Children [~~or Section 504 of the Rehabilitation Act of 1973~~]. These [~~federal and~~] state laws and regulations apply to all subsequent sections referencing students with disabilities.

A. Three Options for Inclusion

A student's Individualized Education Program (IEP) [~~or 504 Plan~~] should be written annually [~~for a calendar year~~] with the Admissions and Release Committee (ARC) [~~or 504 Committee~~] considering adjustment periods for adding or deleting accommodations. For students with disabilities, the ARC [~~or 504 Committee~~] shall determine on an individual basis how the student will be included in the state-required Assessment and Accountability Programs. The decision of the ARC [~~Committee~~] shall be stated in the student's IEP [~~or 504 Plan~~] and shall be based on evaluation information, present levels of performance and work samples. The three options for inclusion are [~~shall include~~]:

1. Participation with no accommodations: Students with disabilities who participate fully in the state-required Assessment and Accountability Programs with no accommodations shall include:

- students who have been referred to an ARC [~~Admissions and Release Committee or a 504 Committee~~] and the evaluation process and eligibility determination have not been completed; [~~or~~]
- students with disabilities not receiving special education and related services; or [~~accommodations and interventions under Section 504.~~]
- students with disabilities not requiring/needing accommodations.

2. Participation with accommodations: Students may use accommodations for the state-required assessment under certain circumstances when they [~~who~~]:

- meet the eligibility criteria for one of the disability categories under the Kentucky Administrative Regulations Related to Exceptional Children, have a current IEP, and/or receive specially designed instruction and related services; [~~or in section 504 of the Rehabilitation Act of 1973~~]
- have a current Program Services Plan (PSP); or [~~Individualized Education Program (IEP) or 504 Plan; and~~]
- have a current 504 Plan. [~~receive specially designed instruction and related services may use accommodations for the state-required Assessment under the following three conditions:~~]

These conditions are as follows:

- a [~~4~~] Accommodations shall be related to the individual student's needs and the impact of the disability on specific areas of learning. Decisions concerning the use

of accommodations shall be supported by evaluation information and the IEP (the student's present level of performance, specific goals and objectives, specially designed instruction, assistive technology, related services or supplementary aids and services) ~~or 504 Plan~~ as necessary for the student to access the general education curriculum; and

b. [2]) Accommodations shall be a part of the student's regular instructional routine and are not used or introduced just for the purpose of the state-required assessment; and

c. [3]) Accommodations are specified in the student's IEP, PSP or 504 Plan.

3. Participation in the Alternate Assessment Program:

To participate in the Alternate Assessment Program, a student shall meet all the criteria for the ~~[certificate]~~ program as stated in 707 KAR Chapter 1 related to Exceptional Children and the Kentucky Core Academic Standards. ~~[Program of Studies (704 KAR 3:303).]~~

The ARC ~~[Admissions and Release Committee]~~ for the student with disabilities shall:

- a. determine and verify in the student's ~~[Individualized Education Program (-) IEP(-)]~~ that the student meets all of the criteria for the ~~[certificate]~~ program in order to participate in the Alternate Assessment Program;
- b. document in writing in the student's record the basis for the decision using current and longitudinal data such as the following:
 - performance data across multiple settings;
 - behavior observations in multiple settings;
 - adaptive behavior; and
 - continuous assessment of progress on IEP goals/objectives; and
- c. review annually this decision in accordance with 707 KAR Chapter 1

The results of each student's Alternate Assessment shall be included in the accountability calculations to determine the school's accountability classification ~~[performance judgment]~~ and be equivalent to the impact of a student participating in the regular state-required Assessment and Accountability Programs process. Accommodations provided to students participating in the Alternate Assessment Program will be based on specifications identified within the assessment administration directions and the student's IEP.

B. Inclusion of Twenty-one (21) Year Old Students with Disabilities in the Assessment Program

If a student with disabilities turns twenty-one (21) years old during a school year, the student may "age out" of school without completing the school year and participating in

the state-required Assessment and Accountability Programs (e.g., a student exits school after becoming 21 years old in January). If this is a possibility, the student shall be included in the assessment during the school year prior to turning 21 years old.

~~[C. Inclusion of Students with Disabilities Who Skip a Grade~~

~~If a student is assigned to a higher grade that results in skipping a grade within the accountability system, the student like a student without disabilities shall still participate in the assessment components associated with the grade being passed through (i.e., students participate in all elementary, middle, and high school assessment components).]~~

~~C [D].~~ Inclusion of Students with Disabilities in the Measure of the Percentages of Students Making Successful Transitions to Adult Life

With the exception of students who participate in the Alternate Assessment Program, schools that serve students with disabilities shall be held accountable for these students' successful transition to adult life using the same standards applied to calculate this nonacademic indicator for all other students.

Students who participate in the Alternate Assessment may be considered to have made successful transitions to adult life if they obtain an Alternative High School Diploma ~~[certificate of attainment]~~.

SECTION 2 – CONDITIONS FOR IMPLEMENTING ACCOMMODATIONS FOR STUDENTS WITH INDIVIDUALIZED EDUCATION PROGRAMS (IEPs)
~~**[INCLUSION OF STUDENTS IN NON-A1 PROGRAMS AND STATE AGENCY CHILDREN]**~~

Students with disabilities may at some point need accommodations as part of their instructional supports. Federal and state laws require districts to make instructional decisions regarding the IEP based on a process of data analysis using evaluation information, observations, and on-going progress monitoring. Accommodations should be determined through the use of the same process. Accommodations for students with a disability shall be both age-appropriate and related to both the student's verified disability and specially designed instruction described in the student's IEP.

The ARC shall use a process of data analysis to determine which accommodation(s) improve student achievement toward independence. Accommodations need to be selected based on student need, incorporated into daily instruction, and monitored for their effectiveness and impact on a student becoming independent. When age-appropriate, student involvement in the selection and use of accommodations fosters understanding and leads to an active role in the learning process.

The use of accommodations is not intended to hamper or limit student progress and growth. As a student's skills develop and increase, accommodations should be faded to

levels of support that are less intrusive. Instructional strategies and specially designed instruction should support the student while accommodations are being decreased. Specific strategies should be in place for the student to use as an alternative once accommodations are faded.

As students have a more active role in their learning process, instruction should promote the student's ability to recognize when, why and how accommodations benefit them as well as when it is time to move forward independent of these supports.

A. General Conditions for Using Accommodations

Accommodations shall meet the following conditions:

1. Be student initiated, not teacher initiated. Teachers should make students' usual accommodations available and advise students that those accommodations are available, but teachers may not instruct their students on when to use accommodations. "Student initiated" means the decision whether to use accommodations on a particular test section or question must be up to the student. Students must initiate accommodations unless the district has data documenting the student's inability to initiate accommodations. If a student's accommodations include adult accommodations (e.g., reader, scribe) or assistive technology, the adult or assistive technology device shall be in the testing room prior to testing beginning and during the testing period.
2. Accommodations for many students may be considered transitional strategies and should be faded as appropriate and as the student gains the skills necessary for an independent level of academic performance.
3. Accommodations shall not impact the content validity being measured.
4. For students with a disability, accommodations shall be age-appropriate and clearly described in the student's IEP.
5. Accommodations shall be for the purpose of students accessing the general education curriculum and demonstrating what they know and are able to do independently, and shall in no way lead the student to the correct answer.
6. Accommodations shall be based on the individual needs of the student and not on a disability category (e.g., emotional-behavior disabilities, specific learning disabilities, multiple disabilities, other health impairment, etc.).

7. Accommodations do not substitute for high quality instructional practices.

8. Evaluation information and/or progress data should support the need for intervention and accommodations in the specified area of need.

9. Accommodations shall be part of the student's ongoing instructional program and not introduced for the first time during state-required assessments.

10. Caution shall be used prior to making IEP changes near or within the state-required assessment window related to accommodations.

11. The use of technology shall be considered as an accommodation before adult accommodation (e.g., reader, scribe), if feasible. A shortage of workstations, software, physical space, or training shall not be used as a reason to not provide assistive technology as an accommodation.

12. Test administrators should be informed of all student accommodations prior to state-required assessments in order to ensure student needs are met.

13. Changes in the administration of the assessment or recording of student responses shall be consistent with the instructional strategies, assistive technology devices, and services identified on the student's IEP. The selection of the accommodations shall be based on data analysis that supports the effectiveness and need for the specific accommodation.

B. Conditions for Specific Accommodations

There are a variety of accommodations that may be appropriately used for students with disabilities on the state-required assessment, including but not limited to:

- Use of assistive technology
- Manipulatives
- Readers with limited conditions
- Scribes
- Calculators with limited conditions
- Paraphrasing
- Extended time
- Reinforcement and behavior modifications strategies
- Prompting and cueing
- Interpreters for students with deafness or hearing impairment.

Individuals providing assistance to a student with disabilities during the state-required assessment shall be trained in his/her responsibilities and abide by confidentiality laws, provisions of 703 KAR 5:080, and this administrative regulation, and the conditions under which each student uses the accommodation as described in the student's IEP. Any person not working in a certified position providing assistance for a student with disabilities or limited English proficiency shall read and sign a nondisclosure agreement.

Students with disabilities participating in the state-required assessments shall be administered particular forms of the tests through a random distribution identical to that of students without disabilities. The only permissible exceptions to the random distribution shall involve audio testing, visual impairments, or hearing impairments that use specific forms of the assessment.

1. Use of Assistive Technology

“An assistive technology device, as defined by (PL 105-394), is any item, piece of equipment or product system whether acquired commercially, off the shelf, modified, or customized that is used to increase or improve functional capabilities of individuals with disabilities.” The student must initiate the use of assistive technology unless it is his or her only form of standard communication. The use of assistive technology shall not impact the validity of the state-required assessment and shall in no way lead the student to the correct answer. In order for the use of special equipment, including assistive technology, to be allowed during the state-required assessments, the ARC shall have considered under what conditions a student will use the technology on a routine basis during instruction. Evaluation information and progress data shall support the need for technology. Examples may include, but are not limited to the following:

- Amplification equipment
- Noise buffers
- Magnifying devices
- Non-calibrated ruler or template
- Communication boards or devices
- Word processors
- Computer/laptop
- Talking calculators
- Speech-to-text software or devices
- Text-to-speech software or devices
- Close-captioned or video materials
- Audio file of state-required assessments
- Cranmer Abacus
- FM Trainer
- Electronic dictionaries
- Refresher Braille
- Signing avatar
- Word prediction

In order to foster independence, carryover to post-school activities, and self-advocacy skills in general, assistive technology may be considered as an early accommodation before adult provided accommodations, if feasible. When assistive technology is not appropriate, accommodations used will be based on student need and ability level, as designated in the IEP. In order to foster independence the student must be given the tools to become independent. Beginning assistive technology at an early age will allow the student to grow over time and become as independent as possible.

If the use of special equipment (e.g., talking calculators, electronic dictionaries) during the state-required assessment would influence the performance of another student, then the assessment shall be administered to the student in an alternative setting or with headphones.

If it is necessary for a student to complete written work (including responses to test items) on a computer and this accommodation is noted on a student's IEP and if this procedure is routinely used in the student's regular instructional program, it may be used when responding to constructed- or extended-response questions, short-answer questions and on-demand writing while participating in the state-required assessment. One option for capturing written responses is to administer the state-required assessment through an online version. If online assessment is not offered the following alternative methods may be used to collect student responses:

- a. The template must be downloaded from the KDE website, prior to testing, for use during the constructed responses.
- b. A student's response to one or more constructed response questions shall not be saved to the hard drive of the computer where the student is working.
- c. A student's response to one or more constructed response questions shall not be saved to any part of a computer network to which the student's computer may be attached.
- d. The student's responses to all constructed response questions shall be saved directly and only to a compact disc or portable drive as appropriate for the computer being used.
- e. After the student completes work on a testing session, the following steps shall be taken immediately (i.e., with absolutely no break in time after the student completes work):
 - The responses completed by the student during that testing session shall be printed.
 - The printed responses shall be submitted according to directions in current manuals.

- The CD or portable drive upon which the student's responses to the constructed response questions from that testing session were saved shall be securely stored until the next testing session for that student.
- The student's answer booklet shall be securely stored until the next testing session for that student.
- The computer upon which the student was working shall be logged off of any network to which it was attached and completely powered down to ensure that all trace of the student's work which may have been saved in a temporary file has been eliminated.

f. If a portable drive was used for storing student answers, all information shall be deleted from the drive. If a CD was used, the school/district shall destroy the CD.

2. Use of Manipulatives

The student must initiate the use of manipulatives. The use of manipulatives shall not impact the validity of the state-required assessment and shall in no way lead the student to the correct answer.

In order for the use of manipulatives to be allowed during state-required assessments, the ARC shall have considered under what conditions a student will use manipulatives during instruction. Evaluation information and progress data shall support the need for manipulatives. Manipulatives cannot be placed on the student's desk but instead should be located in a place in which the student can access them when needed to complete a task or problem. All manipulatives should be free of writing and used only as a trigger to the student as he or she organizes his or her thoughts.

In addition to the student's regular manipulatives offered, a student may have one 3 inch x 5 inch notecard with blank graphic organizer(s) drawn on it (front and/or back) for the assessment. This can serve as a trigger to organize his or her thoughts. No writing can be on the notecard.

3. Use of Reader

The use of a reader (text-to-speech or human) is allowed on all sections of the state-required assessment (i.e., reading, mathematics, science, social studies, and writing (language mechanics and on-demand)). The use of a reader shall not in any way lead the student to the correct answer.

In order for the use of a reader to be allowed during the state-required assessments, the ARC shall have considered under what conditions a student will use a reader on a routine basis during instruction. A reader shall not impact the validity of the state-required assessment. Therefore in order for the use of a reader to be allowed during the state-required assessments, the ARC shall have documentation of the disability's impact on reading and considered under what

conditions a student will use a reader on a routine basis during instruction. Evaluation information and progress data shall support the need for a reader. A reader shall not be used as a replacement for reading instruction or assistive technology.

It is at the discretion of local districts and schools to determine who may serve in the capacity of a reader for state-required assessments. Peer tutors are not allowed due to the requirements of 703 KAR 5:080 and confidentiality (KAR 160.700 et seq.).

The criteria for determining the use of a reader should not be solely dependent upon the student's grade level performance or his / her cognitive ability. There should be documentation over time that with intervention and high quality instruction, the student continues to be unable to access the reading assessment without the use of a reader.

The role of the reader during the reading, mathematics, science, social studies and writing (on-demand and editing/language mechanics) sections of the state-required assessment shall be limited to the following:

The "reader" shall:

- read the directions, prompts, situations, passages as written;
- not use or provide additional information or directions that may lead the student to specific information needed to answer;
- re-read the directions, prompts, situations, passages only if specifically requested by the student;
- not point out parts of the task, questions or parts skipped by the student; and
- read individual words or abbreviations that are mispronounced by text or screen readers, if specifically requested by the student.

4. Use of Scribes

A scribe shall not impact the validity of the state-required assessment. Therefore in order for the use of a scribe to be allowed during the state-required assessment, the ARC shall have documentation of the disability's impact on writing and considered under what conditions a student will use a scribe on a routine basis during instruction. Evaluation information and progress data shall support the need for a scribe. A scribe shall not be used as a replacement for writing instruction or assistive technology. Use of a scribe shall be initiated by the student.

The use of a scribe during the state-required assessment shall be limited to the following conditions:

- a student has a verified disability as documented in the IEP that impacts written expression to a degree that the student's performance is significantly and consistently below the same age peers;
- a student is unable to translate thoughts into written language and is not able to print, use cursive techniques, or use technology; or
- a student is able to translate thoughts into written language but is not able to print, use cursive techniques or use technology.

It is at the discretion of local districts and schools to determine who may serve in the capacity of a scribe for state-required assessments. Peer tutors are not allowed due to the requirements of 703 KAR 5:080 and confidentiality (KRS 160.700 et seq.). In all components of the state-required assessment, a student shall be the sole creator, author, decision-maker and owner of his/her work. The role of the scribe during the required assessment (multiple choice, extended-response, short-answer and on-demand) shall be limited to the following:

A "scribe" shall:

- record what the student dictates word for word;
- format, capitalize and punctuate the student's writing as directed by the student;
- give the written product to the student to edit or revise; and
- not alter, edit or revise a student's own ideas, revisions or edits.

5. Use of a Calculator

The use of a calculator is allowed on all sections of the state-required assessment including those labeled NON-CALCULATOR sections. Calculator use is by student initiation only.

A calculator shall not impact the validity of the state-required assessment. Therefore in order for the use of a calculator to be allowed during the state-required assessments, the ARC shall have documentation of the disability's impact on mathematics calculation/reasoning and considered under what conditions a student will use a calculator on a routine basis during instruction. Evaluation information and progress data shall support the need for a calculator. A calculator shall not be used as a replacement for mathematics instruction or assistive technology.

6. Use of Paraphrasing

The use of paraphrasing should be student initiated each time they need something paraphrased. The use of paraphrasing shall not impact the validity of the state-required assessment and shall in no way lead the student to the correct answer. Paraphrasing shall not be used as a replacement for reading, listening or oral communication instruction. Therefore, in order for the use of paraphrasing to be allowed during the state-required assessment, the ARC shall have considered

under what conditions a student will need paraphrasing on a routine basis during instruction. Evaluation information and progress data shall support the need for paraphrasing.

Paraphrasing during the state-required assessment shall be limited to the following:

- breaking directions into parts or segments;
- using similar words or phrases in directions; and
- repeating or rephrasing directions.

Paraphrasing shall not include defining words or concepts, teaching vocabulary, or telling a student what to do first, second, etc. Reading passages and content passages may not be paraphrased as that would impact content validity.

7. Use of Extended Time

Extended time must be requested by the student. In order for the use of extended time to be allowed during the state-required assessment, the ARC shall have considered under what conditions a student will need extended time during instruction. Evaluation information and progress data shall support the need for extended time.

The use of extended time on the state-required assessment shall be utilized as long as the student is demonstrating on-task efforts which allow the student to make progress on completing his/her assessment responses. Students will be allowed regular time, time and a half, or double time.

8. Use of Reinforcement and Behavior Modification Strategies

In order for the use of reinforcement and behavior modification strategies to be allowed during the state-required assessment, the ARC shall have considered under what conditions a student will need reinforcement and behavior modification strategies on a routine basis during instruction. Evaluation information and progress data shall support the need for reinforcement and behavior modification strategies.

Reinforcement and behavior modification strategies may include:

- Verbal, tangible or tactile reinforcements for being on task;
- Use of technology to focus attention or reduce stress; or
- Testing in a separate location outside the regular classroom.

If the use of reinforcement and behavior modification strategies during the state-required assessment has the potential to influence the performance of another student, then the assessment shall be administered to the student in an alternative setting. Testing administrators should refer to the student's IEP and/or behavior

intervention plan should the student display disruptive or aggressive behavior during testing.

9. Use of Prompting and Cueing

The use of prompting and/or cueing shall not impact the validity of the state-required assessment and shall in no way lead the student to the correct answer.

In order for the use of prompting and cueing to be allowed during the state-required assessments, the ARC shall have considered under what conditions a student will need prompting or cueing on a routine basis during instruction. Evaluation information and progress data shall support the need for prompting and cueing.

Prompts and cues shall only include verbal and non-verbal (gestural, written or visual) prompts and cues to attend to task.

10. Interpreters for a Student with Deafness or Hearing Impairment

An interpreter shall not impact the validity of the state-required assessment and shall in no way lead the student to the correct answer. Therefore, in order for the use of an interpreter to be allowed during the state-required assessment, the ARC shall have considered under what conditions a student will use an interpreter on a routine basis during instruction. Evaluation information and progress data shall support the need for an interpreter. An interpreter shall not be used as a replacement of assistive technology.

An interpreter may sign during the state-required assessment (i.e., translate to the student in sign language) under the following conditions:

- The student has a verified disability in the area of hearing to the degree that the student's development of language (i.e., receptive and expressive) is significantly impacted.
- The student uses sign language as the normal mode of communication due to his/her disability.

The role of the interpreter during the state-required assessment shall be limited to the following:

- Shall not indicate correct answers to test items.
- Shall not define words for the student, provide content or teach vocabulary or concepts.

Interpreters who are also scribes shall follow the policies on scribing outlined in this document. Interpreters must adhere to the grammatical equivalent of English without adding to or elaborating on the content.

~~[Students attending programs classified as Non A1 as provided in 703 KAR 5:040 shall be included in the overall accountability program system.]~~

~~The Kentucky School for the Deaf and the Kentucky School for the Blind are comparable to an A3 program classification and shall be treated as such. A local school and district shall be accountable for a student in their service areas attending these programs and shall be responsible for providing input into each student's IEP designed to meet the needs of the individual student in accordance with Kentucky Administrative Regulations for Exceptional Children (707 KAR Chapter 1).~~

State Agency Children

~~“State agency children” shall have the same assessments administered as other public school youth and shall be included in the accountability system as specified in 703 KAR 5:040. “State agency children” shall develop portfolios consistent with the content requirements of the state’s assessment program. A state agency child’s portfolio shall be sent to the receiving school as part of the educational records when youth transition from the state agency program. }~~

SECTION 3 - INCLUSION OF STUDENTS AS ENGLISH LEARNERS (EL) **[LIMITED ENGLISH PROFICIENCY (LEP) STUDENTS]**

~~For purposes of this document, students whose primary language is not English shall be considered EL students. [include LEP students as defined in 703 KAR 5:001. For purposes of calculating a school or district’s academic indices and for determining adequate yearly progress (AYP) in the federal dimension of the state’s accountability program, schools and districts shall for two years maintain in the LEP subgroup those students who have attained English proficiency based on a state approved English language proficiency assessment in conjunction with professional judgment. However, when determining whether the LEP subgroup meets the state defined minimum group size, these students who have attained English proficiency shall not be counted LEP.]~~

Part One: State-Required Assessment and Accountability Programs

All ELs must participate in:

- The state approved English language proficiency assessment; all ELs grades K-12, must take annually, regardless of time in the U.S. school.
- All state-required assessments after one full year of enrollment (The first full year of enrollment is defined as 240 days or 12 months). These are cumulative and are not to be consecutive.
- A mathematics test for participation only (if a student is enrolled in a grade in which a mathematics test is administered) for first year EL students with appropriate accommodations as noted in the EL’s Program Services Plan (PSP).
- A science test for participation only (if a student is enrolled in a grade in which a science test is administered) for first year EL students with appropriate accommodations noted in the EL’s PSP.

A. ~~[LEP Students' Participation and Accountability]~~

~~Each school shall assess all LEP students enrolled on the first day of the testing window in all parts of the state required assessments and their scores shall be included in accountability calculations consistent with state law, unless the students are in their first year of enrollment in a United States (U.S.) school.]~~

ELs ~~[LEP students]~~ in the first year of enrollment in a U.S. school are not required to participate in the state-required reading, social studies, or writing (language mechanics and on-demand) assessments. For these students, these assessments are optional and at the discretion of the school and district. This is a one-time exemption. ~~[shall be required to take:]~~

A. Documentation Needed to Implement Accommodations

For EL students who have been identified, it may be necessary to permit instructionally consistent accommodations for the assessment administration. Any accommodation shall be based on an assessment of English language proficiency, consistent with the ongoing delivery of instructional services, and stated in the student's PSP. Accommodations shall not be solely for the state-required assessment. Implementation of any accommodations shall not impact the content being measured.

For all EL students, PSP committees shall determine on an individual basis whether these students will participate with or without accommodations in the state-required Assessment and Accountability Programs. An EL student may use accommodations in the state-required assessments if the student meets all of the following criteria:

- Has been assessed with an English language proficiency assessment and meets the criteria as an EL student;
- Has evaluation data that demonstrates a need for accommodations;
- Has a current PSP developed by the PSP committee that includes accommodations as part of the student's ongoing delivery of instruction; and
- Is participating in instructional programs and services to meet the language and academic content needs of the student.

These accommodations shall be related to the individual student's needs and the impact of the student's English language proficiency on demonstrating what the student knows on a test written in English and the ability to access the curriculum. These decisions shall be made in the best interest of the student (e.g., scribing for a student throughout the school year just so that a scribe can be provided for assessment is not in the student's best interest versus providing a bilingual dictionary with extended time).

If accommodations are needed, documentation shall include:

- The name and date of the English language proficiency assessment administered to determine a student's EL status.

- A PSP that includes the specific accommodations to be implemented in instruction.
- A list of the names of the PSP committee members who reviewed the documentation and made the decisions. The list of staff shall be placed with the Title III records.
- The appropriate accommodations needed.
- The signature of the principal of the appropriate school as an indication of approval for the described accommodations.

The EL student's performance on the annual English language proficiency assessment in conjunction with professional judgment shall determine when accommodations are no longer required. Implementation of any accommodations shall not impact the content being measured.

A. Accommodations, when consistent with the on-going delivery of instructional services, may include:

1. Administration Strategies:

- Use of Reader

The use of a reader (text-to-speech or human) is allowed on all sections of the state-required assessment [i.e., reading, mathematics, science, social studies, and writing (language mechanics and on-demand)]. The use of a reader shall not in any way lead the student to the correct answer.

In order for the use of a reader to be allowed during the state-required assessments, the PSP committee shall have considered under what conditions a student will use a reader on a routine basis during instruction. A reader shall not impact the validity of the state-required assessment. Therefore in order for the use of a reader to be allowed during the state-required assessments, the PSP committee shall have documentation of the disability's impact on reading and considered under what conditions a student will use a reader on a routine basis during instruction. Evaluation information and progress data shall support the need for a reader. A reader shall not be used as a replacement for reading instruction.

It is at the discretion of local districts and schools to determine who may serve in the capacity of a reader for the state-required assessment. Peer tutors are not allowed due to the requirements of 703 KAR 5:080 and confidentiality (KAR 160.700 et seq.).

The role of the reader during the reading, mathematics, science, social studies and writing (on-demand and editing/language mechanics) sections of the state-required assessment shall be limited to the following:

The "reader" shall:

- read the directions, prompts, situations, passages as written;
 - not use or provide additional information or directions that may lead the student to specific information needed to answer;
 - re-read the directions, prompts, situations, passages only if specifically requested by the student;
 - not point out parts of the task, questions or parts skipped by the student; and
 - read individual words or abbreviations that are mispronounced by text or screen readers, if specifically requested by the student.
- Simplified language with extended time (directions, multiple-choice answers, but not reading passages)

Simplified language replaced paraphrasing but provides very similar supports. It is used to restate printed text or oral communication using other words or forms that are often simpler.

Simplifying language and vocabulary shall not change the overall context of the test materials or the content, but ensures that students understand how to take the test.

Once initiated by the student, specific words may be exchanged, but words cannot be defined as part of simplifying language. Directions for test administration may be described using less complex words (i.e., the word “assessment” becomes “test”) and sentence structure (i.e., break a sentence into smaller sections).

Simplified language for the state-required assessments shall be consistent with classroom instruction and includes:

- This shall include breaking directions into parts or segments or using similar words or phrases, but shall not include defining words or concepts or telling a student what to do first, second, etc.
 - Stories (reading passages) and content passages may not be simplified.
 - Simplified language shall not be a replacement for reading, listening or oral communication instruction or assistive technology.
 - Simplified language shall not impact the content being measured.
- Extended Time

Once initiated by the student, a student with limited English proficiency who has a PSP that stipulates extra time is needed to complete assessments shall be allowed extended time to complete items on the state-required assessments as long as extended time is an accommodation for assessments and completion of assignments in the student’s daily instructional routine.

To warrant additional time on the state-required assessments, students shall be making constructive progress on completing their responses and the school shall provide proper supervision to maintain an appropriate assessment atmosphere. Students will be allowed regular time, time and a half, or double time.

- Provide Oral Native Language Support with Extended Time.

Once initiated by the student, oral native language support shall be based on a student's individual language needs as documented in the PSP.

This accommodation may range from assistance with specific vocabulary to a sight translation which means rendering printed English test materials (i.e., directions, questions, prompts, situations, passages and stories as written) orally in the student's native language. The accommodation or oral native language support may include providing directions orally in a student's native language. The accommodation may also incorporate some simplification of language in the test administration directions.

Every effort should be made to distribute test forms to all students in a random order. Under the condition that a school can demonstrate no feasible way to provide a multiple number of interpreters for EL students, school staff may allow students to use the same form of the test so that one interpreter per foreign language may be employed to provide this accommodation. To meet the need for interpreter services, EL students may use a different test administration schedule than the regular student population, as long as the different schedule is within the district-established testing window.

2. Processing and Response Strategies:

- Use of dictionaries (bilingual or English) in print or electronic version with or without extended time. Once initiated by the student, the bilingual or English dictionaries can be in print or electronic versions. Consistent with best practices for ELs, the dictionary used should be a word-to-word translation without definitions. When using an electronic bilingual or English dictionary make sure that other capabilities such as going to the Internet, translating whole phrases and sentences, etc. are turned off before using this accommodation on the state-required assessments.

Once initiated by the student, use of extended time for a student with limited English proficiency who has a PSP that stipulates extra time is needed to complete assessments shall be allowed extended time to complete items on the state-required assessments as long as extended time

is an accommodation for assessments and completion of assignments in the student's daily instructional routine.

To warrant additional time on the state-required assessments, students shall be making constructive progress on completing their responses and the school shall provide proper supervision to maintain an appropriate assessment atmosphere. Students will be allowed regular time, time and a half, or double time.

- Use of a scribe:
A PSP may include the use of a scribe for an EL:
 - The accommodations shall be related to the individual student's needs and the impact of the student's English language proficiency on demonstrating what the student knows on a test written in English and the ability to access the curriculum.
 - The decisions shall be made in the best interest of the student (e.g., scribing for a student throughout the school year just so a scribe can be provided for assessment is not in the student's best interest versus providing a bilingual dictionary with extended time).
 - A scribe is not to be used as a replacement for writing instruction or assistive technology.
 - Once initiated by the student a scribe's role shall be to record the student's work to allow the student to reflect what the student knows and is able to do while providing the student with an alternative means to express his or her thoughts and knowledge.
 - The scribe records what the student dictates word-for-word. The scribe shall not correct grammar, run-on sentences or organization of the student's ideas.

A student may not write responses to the state-required assessments in a language other than English and have a teacher translate them. However, the student may be allowed accommodations on the assessment and these may include dictation of responses, which may be transcribed into English by a scribe on the answer document. The student's PSP shall include any accommodations which are part of the on-going instructional process and are based on the needs identified on a language proficiency test. Accommodations shall not be made solely for the state-required assessment.

If a student has a scribe in elementary school, he or she should not require a scribe in grade 12 in most cases. The accommodation needs to be faded out as the student gains skills and knowledge. The student must receive writing instruction to build the skills to allow him/her to participate in regular daily classroom activities, as well as the assessments.

For an EL student with a PSP that has evaluation data and routine instructional experiences to support the accommodation of a scribe, a scribe may be provided if the student has not reached proficiency on the annual English language proficiency assessment.

Part Two: State-Required English Language Proficiency Assessment

B. Identifying EL Students

Which students should take the state-required English language proficiency (ELP) assessment?

A local school district shall administer a Home Language Survey (HLS) to students enrolled in the district as the first screening process to identify EL students. The home language survey shall be based on a minimum of the following four questions.

- What is the language most frequently spoken at home?
- Which language did your child learn when he/she first began to talk?
- What language does your child most frequently speak at home?
- What language do you most frequently speak to your child?

If the answer to any of the HLS questions is a language other than English, the local school district shall consider that the student may have limited English proficiency and the student shall be administered an annual state-approved English language screener to determine if the student should be identified as having limited English. The performance of students on this approved annual assessment must be monitored by the district and reported to KDE. An EL may or may not be an immigrant, migrant and/or refugee. An EL is always considered as having non-English language background.

A student's score on the annual English language proficiency assessment determines whether the student identified remains EL or attains English language proficiency status. If a student has attained the necessary scores to exit the EL program, but the PSP committee decides that the student would benefit from remaining in the program, a parent or guardian of the student must approve with a signature the student remaining in the EL program.

1. Which students need a PSP?

A district or school PSP committee will design a PSP for each student identified as EL. A student who is Initially Fully English Proficient (IFEP) as determined by the results of an English language screener will not need a PSP.

2. What are parental notification requirements and rights?

The results of the English language screener and the instructional plan (PSP) must be shared with the parents within the first 30 days of the school year or within two weeks of enrollment during the school year. Written

documentation and/or oral interpretation should be provided to parents/guardians, to the extent practical, in a language that they can understand.

D. State-Required English Language Proficiency Assessment

KDE shall determine the necessary scores (exit criteria) on the annual English Language Proficiency assessment to exit EL status. When the student reaches proficiency, as determined by the state's exit criteria, then the student enters a two-year monitoring period and is considered a Re-designated Fully English Proficient (RFEP) student. This change in EL status should be entered immediately into the student information system. Kindergarten students cannot be categorized as RFEP and therefore, cannot exit EL status until after reaching FEP status on the 1st grade English Language Proficiency assessment. Kindergarten students must have a PSP.

E. Accommodations for State-Required English Language Proficiency Assessment

Unless the EL has an IEP or a 504 Plan on file, that student will not receive accommodations on the annual English language proficiency assessment as it is a measure of the English language ability of an EL.

F. Definitions

1. IFEP (Initially Fully English Proficient) – A student who is screened for English language proficiency because he/she comes from a non-English language background and upon initial assessment of English language proficiency scores IFEP. This initial screening assessment of English language proficiency should occur when the student first enters a school district in the United States. The student does not qualify as LEP because of his or her fully English proficient status.
2. LEP (Limited English Proficient) – Choose if the student is LEP. When used with respect to an individual, means an individual:
 - a) Who is age 3 to 21.
 - b) Who is enrolled or preparing to enroll in an elementary or secondary school.
 - c) Who was not born in the United States or whose native language is a language other than English (who is Native American or an Alaskan Native, or a native resident of the outlying areas and who comes from an environment where a language other than English has had a significant impact on the individual's level of English Language Proficiency or who is migratory, whose native language is a language other than English, and who comes from an environment where a language other than English is dominant).
 - d) Whose difficulties in listening, speaking, reading or writing the English language may be sufficient to deny the individual:

- i. The ability to meet the state's proficient level of achievement on state assessments described in section 1111(b) (3).
 - ii. The ability to successfully achieve in classrooms where the language of instruction is English or
 - iii. The opportunity to participate fully in society.
 3. RFEP (Re-designated Fully English Proficient) – A student, after having been designated EL based on the initial assessment of English Language Proficiency, subsequently scores FEP on the assessment of English Language Proficiency.
- ~~[the state approved English language proficiency assessment;~~
 - ~~a NCLB required mathematics test (if a student is enrolled in a grade in which a mathematics test is administered) with appropriate accommodations as noted in LEP student's PSP; and~~
 - ~~a NCLB required science test (if a student is enrolled in a grade in which a science test is administered) with appropriate accommodations noted in LEP student's PSP.~~

~~All LEP students enrolled on the first day of the testing window shall be included in calculations of the school and district's participation rate. A LEP student in the first year of enrollment in a U.S. school shall be included in the school and district's participation rate based on the student's participation in the NCLB required mathematics and science assessments, if the student is enrolled in a grade where these assessments are administered. For LEP students who are enrolled for the first year in a U.S. school and are not in a grade in which there is a NCLB required mathematics or science assessment, their NCLB participation shall be based on taking an English language proficiency assessment (or the NCLB required reading assessment if the school or district chooses to administer it).~~

~~LEP students in their first year of enrollment in a U.S. school shall not be required to participate in the state required reading, social studies, practical living/vocational studies, arts and humanities, or writing on demand assessments. For these students, these assessments shall be optional at the discretion of the school and district. This first year exemption shall be applied one time.~~

~~For the purposes of calculating a school's academic indices in the state dimension and for determining AYP, each school and district shall be held accountable based on an aggregated average of the academic performance of the elementary, middle, or high school students who have been enrolled in the school for a full academic year in the accountability grades. These accountability requirements shall also apply to LEP subpopulations of sufficient size, except for LEP students who are in their first year of enrollment in a U.S. school.~~

For LEP students who are in their first year of enrollment in a U.S. school and have been enrolled for a full academic year as defined in 703 KAR 5:001, a school and district may choose to include results from the NCLB required mathematics and science assessments (and, if given, the state required reading, social studies, arts and humanities, practical living/vocational studies, and writing on demand assessments) in accountability calculations for both the school's academic indices in the state dimension and for determining AYP. If this option is exercised, the decision shall be consistent across all content areas for the student.

If a LEP student has been enrolled in a U.S. school for at least two (2) full school years prior to the year of the writing assessment in question, the student shall be required to submit a writing portfolio and shall be included in writing portfolio accountability calculations consistent with state law. For instructional purposes a school may allow a LEP student, who has not been in a U.S. school for at least two (2) full school years prior to the year of the writing assessment in question, to develop a writing portfolio; however, the portfolio shall not be included in writing portfolio accountability calculations.

B. Documentation Needed to Implement Accommodations

For LEP students who have been identified, it may be necessary to permit instructionally consistent accommodations for the assessment administration. Any accommodation shall be based on an assessment of English language proficiency, consistent with the on-going delivery of instructional services, and stated in the student's PSP. Accommodations shall not be solely for the state required assessment. Implementation of any accommodations shall not inappropriately impact the content being measured.

For all LEP students PSP committees shall determine on an individual basis whether these students will participate with or without accommodations in the state required Assessment and Accountability Programs. An LEP student may use accommodations in the state required assessments if the student meets all of the following criteria:

1. has been assessed with an English language proficiency assessment and meets the criteria as an LEP student;
2. has evaluation data that demonstrates a need for accommodations;
3. has a current PSP developed by a PSP committee that includes accommodations as part of the student's ongoing delivery of instruction; and
4. is participating in instructional programs and services to meet the language and academic content needs of the student.

These accommodations shall be related to the individual student's needs and the impact of the student's English language proficiency on demonstrating what the student knows on a test written in English and the ability to access the curriculum. These decisions shall be made in the best interest of the student (e.g., scribing for a student throughout the school year just so that a scribe can be provided for assessment is not in the student's best interest versus providing a bilingual dictionary with extended time).

If accommodations are needed, documentation shall include:

- ~~the name and date of the English language proficiency assessment administered to determine a student's LEP status;~~
- ~~a PSP that includes the specific accommodations to be implemented in instruction;~~
- ~~a list of the names of the PSP committee members who reviewed the documentation and made the decisions. The list of staff shall be placed with the Title III records;~~
- ~~the appropriate accommodations need; and~~
- ~~the signature of the principal of the appropriate school as an indication of approval for the described accommodations.~~

~~The LEP student's performance on the annual English language proficiency assessment in conjunction with professional judgment shall determine when accommodations are no longer required. Implementation of any accommodations shall not inappropriately impact the content being measured.~~

C. Implementation of Accommodations

~~Accommodations, when consistent with the on-going delivery of instructional services, may include:~~

~~1. Administration Strategies:~~

- ~~reading text to student in English with extended time;~~
- ~~simplify language with extended time (directions, questions, multiple choice answers, but not reading passages);~~
- ~~provide oral native language support with extended time;~~
- ~~administering assessments to small groups of LEP students to enable simplified language and/or oral native language support in accordance with guidelines in Section 6 of this regulation; and~~
- ~~administering a single form of the test to a small group of LEP students receiving oral native language support because a limited number of bilingual staff is available.~~

~~Every effort should be made to distribute test forms to all students in a random order. Under the condition that a school can demonstrate no feasible way to provide a multiple number of interpreters for LEP students, school staff may allow students to use the same form of the test so that one interpreter per foreign language may be employed to provide this accommodation. To meet the need for interpreter services, LEP students may use a different test administration schedule than the regular student population, as long as the different schedule is within the district established testing window. A list of students who are administered the same form of the test for this purpose shall be submitted to the Division of Assessment Implementation along with the assigned lithocode for each student. If a student has a hearing or visual impairment, uses audiotape, or on-line testing, the student shall be provided the specific form as directed in administration materials.~~

~~2. Processing and Response Strategies:~~

- ~~use of student generated glossary (bilingual or English) with extended time;~~

- ~~use of dictionaries (bilingual or English) in print or electronic version with extended time;~~
- ~~use of scribe; and~~
- ~~use of technology (e.g., text to speech software, grammar or spell check systems) with extended time.~~

~~For a LEP student with a PSP that has evaluation data and routine instructional experiences to support the accommodation of a scribe, a scribe may be provided if the student has not reached proficiency on the annual English language proficiency assessment.~~

~~A student may not write responses to the state required assessment in a language other than English and have a teacher translate. However, the student may be allowed accommodations on the assessment and these may include dictation of responses, which may be transcribed into English by school staff on the answer document. The student's Program Services Plan shall include any accommodations which are part of the on-going instructional process and are based on the needs identified on a language proficiency test. Accommodations shall not be made solely for the state required assessment.~~

~~D. Submitting a Portfolio in a Language Other than English~~

~~A LEP student may submit a portfolio in a language other than English if:~~

- ~~the student's daily instruction and class work are conducted in the student's native language, and~~
- ~~the local scorer or a scorer hired by the district is both fluent in that language and trained to score the portfolio.~~

~~If this portfolio is pulled for audit, the services of appropriate scorers shall be obtained or the portfolio shall be translated to English by a qualified interpreter.~~

~~Part Two: State Required English Language Proficiency Assessment~~

~~A. Identifying LEP Students~~

~~A local school district shall administer a home language survey (HLS) to students enrolled in the district as the first screening process to identify LEP students. The home language survey shall be based at a minimum on four questions:~~

- ~~What is the language most frequently spoken at home?~~
- ~~Which language did your child learn when he/she first began to talk?~~
- ~~What language does your child most frequently speak at home?~~
- ~~What language do you most frequently speak to your child?~~

~~B. State Required English Language Proficiency Assessment~~

~~If the answer to any of the HLS questions is a language other than English, the local school district shall consider that the student may have limited English proficiency and the student shall be administered an annual state approved assessment of English language proficiency. The student's performance on this assessment shall determine, combined with professional judgment, whether the student is LEP. All students identified as LEP shall be administered the state approved annual assessment of English proficiency (measuring student's oral language in listening, and speaking, reading and writing skills in English). The performance of students on this approved annual assessment shall be monitored by the district and reported to the Kentucky Department of Education. A student's score on the annual English language proficiency assessment in conjunction with professional judgment shall formally determine whether or not the student identified remains LEP or attains full English proficiency (FEP). In the event professional judgment differs from the results of the English language proficiency assessment, a parent or guardian of the student shall approve with signature the student's classification as a student with limited English proficiency.~~

~~C. Accommodations for State Required English Language Proficiency Assessment~~

~~The only accommodations permitted for the statewide English language proficiency assessment shall be those listed on the LEP student's IEP and/or 504 Plan. }~~

SECTION 4 - INCLUSION OF STUDENTS WITH 504 PLANS OR TEMPORARY MEDICAL CONDITIONS THAT NECESSITATE ACCOMMODATIONS FOR PARTICIPATION [RECEIVING INSTRUCTION IN HOME/HOSPITAL SETTINGS]

Students who qualify for a 504 Plan under Section 504 of the Rehabilitation Act of 1973 or who become injured or develop an ailment that restricts their access to the general curriculum (e.g., broken dominant hand or paralysis due to an illness) before or during the testing window may be provided appropriate accommodations to allow their participation in the state-required Assessment and Accountability Programs. Appropriate documentation shall support the need for accommodations during state-required assessments. These accommodations shall not impact the content construct being measured.

1. Use of Assistive Technology

"An assistive technology device, as defined by (PL 105-394), is any item, piece of equipment or product system whether acquired commercially, off the shelf, modified, or customized that is used to increase or improve functional capabilities of individuals with disabilities." The student shall initiate the use of assistive technology unless it is their only form of standard communication. The use of assistive technology shall not inappropriately impact the validity of the state-required assessment and shall in no way lead the student to the correct answer. In order for the use of special equipment, including assistive technology, to be allowed during the state-required assessments, the 504 team shall have considered

under what conditions a student will use the technology on a routine basis during instruction. Evaluation information and progress data shall support the need for technology. Examples may include, but are not limited to the following:

- Amplification equipment
- Noise buffers
- Magnifying devices
- Non-calibrated ruler or template
- Communication boards or devices
- Word processors
- Computer/laptop
- Talking calculators
- Speech-to-text software or devices
- Text-to-speech software or devices
- Close-captioned or video materials
- Audio file of state-required assessments
- Cranmer Abacus
- FM Trainer
- Electronic dictionaries
- Refresher Braille
- Signing avatar
- Word prediction

In order to foster independence, carryover to post-school activities, and self-advocacy skills in general, assistive technology may be considered as an early accommodation before adult provided accommodations, if feasible. When assistive technology is not appropriate, accommodations used will be based on student need and ability level, as designated in the 504 Plan. In order to foster independence the student must be given the tools to become independent. Beginning assistive technology at an early age will allow the student to grow over time and become as independent as possible.

If the use of special equipment (e.g., talking calculators, electronic dictionaries) during the state-required assessment would influence the performance of another student, then the assessment shall be administered to the student in an alternative setting or with headphones.

If it is necessary for a student with a 504 Plan to complete written work (including responses to test items) on a computer and this accommodation is noted on a student's 504 Plan and if this procedure is routinely used in the student's regular instructional program, it may be used when responding to constructed- or extended-response questions, short-answer and on-demand writing while participating in the state-required assessment. One option for capturing written responses is to administer the state-required assessment through an online version. If online assessment is not offered the following alternative methods may be used to collect student responses:

- a. The appropriate template must be downloaded from the KDE website, prior to testing, for use during the constructed responses.
- b. A student's response to one or more constructed response questions shall not be saved to the hard drive of the computer where the student is working.
- c. A student's response to one or more constructed response questions shall not be saved to any part of a computer network to which the student's computer may be attached.
- d. The student's responses to all constructed responses shall be saved directly and only to a compact disc or portable drive as appropriate for the computer being used.
- e. After the student completes work on a testing session, the following steps shall be taken immediately (i.e., with absolutely no break in time after the student completes work):
 - The responses completed by the student during that testing session shall be printed.
 - The printed responses shall be submitted according to directions in current manuals.
 - The CD or portable drive upon which the student's responses to the constructed response questions from that testing session were saved shall be securely stored until the next testing session for that student.
 - The student's answer booklet shall be securely stored until the next testing session for that student.
 - The computer upon which the student was working shall be logged off of any network to which it was attached and completely powered down to ensure that all trace of the student's work which may have been saved in a temporary file has been eliminated.
- f. If a portable drive was used for storing student answers, all information shall be deleted from the drive. If a CD was used, the school/district shall destroy the CD.

2. Use of Manipulatives

The student shall initiate the use of manipulatives. The use of manipulatives shall not impact the validity of the state-required assessment and shall in no way lead the student to the correct answer.

In order for the use of manipulatives to be allowed during state-required assessments, the 504 team shall have considered under what conditions a student will use manipulatives during instruction. Evaluation information and progress data shall support the need for manipulatives.

In addition to the regular manipulatives allowed, students may have one 3 inch x 5 inch notecard with blank graphic organizer(s) drawn on it (front and/or back) for the assessment. This can serve as a trigger to organize their thoughts. No writing can be on the notecard.

3. Use of Reader

The use of a reader (text-to-speech or human) is allowed on all sections of the state-required assessment (i.e., reading, mathematics, science, social studies, and writing (language mechanics and on-demand writing)). The use of a reader shall not in any way lead the student to the correct answer.

In order for the use of a reader to be allowed during the state-required assessments, the 504 team shall have considered under what conditions a student will use a reader on a routine basis during instruction. A reader shall not impact the validity of the state-required assessment. Therefore in order for the use of a reader to be allowed during the state-required assessments, the 504 team shall have documentation of the disability's impact on reading and considered under what conditions a student will use a reader on a routine basis during instruction. Evaluation information and progress data shall support the need for a reader. A reader shall not be used as a replacement for reading instruction or assistive technology.

It is at the discretion of local districts and schools to determine who may serve in the capacity of a reader for the state-required assessment. Peer tutors are not allowed due to the requirements of 703 KAR 5:080 and confidentiality (KAR 160.700 et seq.).

The role of the reader during the reading, mathematics, science, social studies and writing (language mechanics and on-demand writing) sections of the state-required assessment shall be limited to the following:

The "reader" shall:

- read the directions, prompts, situations, passages as written;
- not use or provide additional information or directions that may lead the student to specific information needed to answer;
- re-read the directions, prompts, situations, passages only if specifically requested by the student;
- not point out parts of the task, questions or parts skipped by the student;
and
- read individual words or abbreviations that are mispronounced by text or screen readers, if specifically requested by the student.

4. Use of Scribes

A scribe shall not impact the validity of the state-required assessment. Therefore in order for the use of a scribe to be allowed during the state-required assessment, the 504 team shall have documentation of the disability's impact on writing and considered under what conditions a student will use a scribe on a routine basis during instruction. Evaluation information and progress data shall support the need for a scribe. A scribe shall not be used as a replacement for writing instruction or assistive technology. Use of a scribe must be initiated by the student.

The use of a scribe during the state-required assessment shall be limited to the following conditions:

- a student has a verified disability as documented in the 504 Plan that impacts written expression to a degree that the student's performance is significantly and consistently below the same age peers;
- a student is unable to translate thoughts into written language and is not able to print, use cursive techniques, or use technology; or
- a student is able to translate thoughts into written language but is not able to print, use cursive techniques or use technology

It is at the discretion of local districts and schools to determine who may serve in the capacity of a scribe for the state-required assessment. Peer tutors are not allowed due to the requirements of 703 KAR 5:080 and confidentiality (KRS 160.700 et seq.). In all components of the state-required assessment, a student shall be the sole creator, author, decision-maker and owner of his/her work. The role of the scribe during the required assessment (multiple-choice, extended-response, short-answer and on-demand) shall be limited to the following:

A "scribe" shall:

- record what the student dictates word for word;
- format, capitalize and punctuate the student's writing as directed by the student;
- give the written product to the student to edit or revise; and
- not alter, edit or revise a student's own ideas, revisions or edits.

5. Use of a Calculator

The use of a calculator is allowed on all sections of the state-required assessment including those that are clearly labeled NON-CALCULATOR sections. Calculator use is by student initiation only.

A calculator shall not impact the validity of the state-required assessment. Therefore in order for the use of a calculator to be allowed during the state-required assessments, the 504 team shall have documentation of the disability's impact on mathematics calculation/reasoning and considered under what conditions a student will use a calculator on a routine basis during instruction. Evaluation information and progress data shall support the need for a calculator.

A calculator shall not be used as a replacement for mathematics instruction or assistive technology.

6. Use of Paraphrasing

The use of paraphrasing should be student initiated each time they need something paraphrased. The use of paraphrasing shall not impact the validity of the state-required assessment and shall in no way lead the student to the correct answer. Paraphrasing shall not be used as a replacement for reading, listening or oral communication instruction. Therefore, in order for the use of paraphrasing to be allowed during the state-required assessment, the 504 team shall have considered under what conditions a student will need paraphrasing on a routine basis during instruction. Evaluation information and progress data shall support the need for paraphrasing.

Paraphrasing during the state-required assessment shall be limited to the following:

- breaking directions into parts or segments;
- using similar words or phrases in directions; and
- repeating or rephrasing directions.

Paraphrasing shall not include defining words or concepts, teaching vocabulary, or telling a student what to do first, second, etc. Reading passages and content passages may not be paraphrased as that would impact content validity.

7. Use of Extended Time

Extended time shall be requested by the student. In order for the use of extended time to be allowed during the state-required assessment, the 504 team shall have considered under what conditions a student will need extended time during instruction. Evaluation information and progress data shall support the need for extended time.

The use of extended time on the state-required assessment shall be utilized as long as the student is demonstrating on-task efforts which allow the student to make progress on completing his/her assessment responses. Students will be allowed regular time, time and a half or double time.

8. Use of Reinforcement and Behavior Modification Strategies

In order for the use of reinforcement and behavior modification strategies to be allowed during the state-required assessment, the 504 team shall have considered under what conditions a student will need reinforcement and behavior modification strategies on a routine basis during instruction. Evaluation information and progress data shall support the need for reinforcement and behavior modification strategies.

Reinforcement and behavior modification strategies may include:

- Verbal, tangible or tactile reinforcements for being on task;
- Use of technology to focus attention or reduce stress; and
- Testing in a separate location outside the regular classroom.

If the use of reinforcement and behavior modification strategies during the state-required assessment has the potential to influence the performance of another student, then the assessment shall be administered to the student in an alternative setting. Testing administrators should refer to the student's 504 Plan and behavior intervention plan should the student display disruptive or aggressive behavior during testing.

9. Use of Prompting and Cueing

The use of prompting and/or cueing shall not impact the validity of the state-required assessment and shall in no way lead the student to the correct answer.

In order for the use of prompting and cueing to be allowed during the state-required assessments, the 504 team shall have considered under what conditions a student will need prompting or cueing on a routine basis during instruction. Evaluation information and progress data shall support the need for prompting and cueing.

Prompts and cues shall only include verbal and non-verbal (gestural, written or visual) prompts and cues to attend to task.

10. Interpreters for a Student with Deafness or Hearing Impairment

An interpreter shall not impact the validity of the state-required assessment and shall in no way lead the student to the correct answer. Therefore, in order for the use of an interpreter to be allowed during the state-required assessment, the 504 team shall have considered under what conditions a student will use an interpreter on a routine basis during instruction. Evaluation information and progress data shall support the need for an interpreter. An interpreter shall not be used as a replacement of assistive technology.

An interpreter may sign during the state-required assessment (i.e., translate to the student in sign language) under the following conditions:

- The student has a verified disability in the area of hearing to the degree that the student's development of language (i.e., receptive and expressive) is significantly impacted.
- The student uses sign language as the normal mode of communication due to his/her disability.

The role of the interpreter during state-required assessments shall be limited to the following:

- Shall not indicate correct answers to test items and
- Shall not define words for the student, provide content or teach vocabulary or concepts.

Interpreters who are also scribes shall follow the policies on scribing outlined in this document. Interpreters must adhere to the grammatical equivalent of English without adding to or elaborating on the content.

[A. Determining Participation

~~For students receiving instruction in home/hospital settings (i.e., homebound instruction, not home schools), school personnel shall determine on an individual basis how each student will participate in the state required Assessment and Accountability Programs. The decision shall be documented for each student. The options for participation shall include:~~

- ~~1. The student participates fully; or~~
- ~~2. The student is exempted medically.~~
 - ~~a. If participation in the state required assessment would jeopardize a student's physical, mental or emotional well being, a school or district shall submit a request for medical exemption, which is subject to the approval of the Department of Education and which describes the medical condition that warrants exempting a student from all or portions of the assessments.~~
 - ~~b. An identified disability or handicapping condition alone shall not be considered sufficient reason for granting a medical exemption to state required assessment and accountability requirements.~~
 - ~~c. A student with an approved medical exemption shall be excluded from state required assessments and state and federal accountability calculations.~~

B. Participation of Students with Disabilities in Home/Hospital Settings

~~If a student with disabilities is receiving instruction temporarily or long term in a home/hospital setting, the Admissions and Release Committee or 504 Committee shall follow the procedures described in Section 1 of this document and all federal and state requirements related to due process. A student eligible for participation in the Alternate Assessment Program who is receiving instruction in home/hospital settings shall participate in the Alternate Assessment unless the student has an injury or illness verified by a physician in accordance with the procedures described in Section 4, A.2 and 704 KAR 7:120.~~

~~State Agency Children who receive educational services in a classroom setting located in residential facilities shall not be considered as meeting the criteria for being served in a home/hospital program.]~~

SECTION 5 - INCLUSION OF STUDENTS IN ALTERNATIVE PROGRAMS AND STATE AGENCY CHILDREN [WITH TEMPORARY MEDICAL CONDITIONS THAT NECESSITATE ACCOMMODATIONS FOR PARTICIPATION]

Students attending programs classified as alternative programs shall be included in the overall accountability program system.

The Kentucky School for the Deaf and the Kentucky School for the Blind are classified as alternative programs and shall be treated as such. A local school and district shall be accountable for a student in their service areas attending these programs and shall be responsible for providing input into each student's IEP designed to meet the needs of the individual student in accordance with Kentucky Administrative Regulations for Exceptional Children (707 KAR Chapter 1).

State Agency Children

"State agency children" shall have the same assessments administered as other public school youth and shall be included in the accountability calculations.

~~[Students who become injured (e.g., broken hand) or develop an ailment (e.g., temporary paralysis due to an illness) before or during the testing window may be allowed appropriate accommodations to allow their participation in the state required Assessment and Accountability Programs. A letter describing the situation and what accommodations are provided shall be sent to the Division of Assessment Support and a copy kept on file in the district.]~~

SECTION 6 – INCLUSION OF STUDENTS RECEIVING INSTRUCTION IN HOME/HOSPITAL SETTINGS [CONDITIONS FOR IMPLEMENTING ACCOMMODATIONS]

A. Determining Participation

For students receiving instruction in home/hospital settings (i.e., homebound instruction, not home schools), school personnel shall determine on an individual basis how each student will participate in the state-required Assessment and Accountability Programs. The decision shall be documented for each student. The options for participation shall include:

1. The student participates fully; or
2. The student is medically exempt;

- a. If participation in the state-required assessment would jeopardize a student's physical, mental or emotional wellbeing, a school or district shall submit a request for a medical exemption, which is subject to the approval of KDE and which describes the medical condition that warrants exempting a student from all or portions of the assessments.
- b. An identified disability or handicapping condition alone shall not be considered sufficient reason for granting a medical exemption to state-required assessment and accountability requirements.
- c. A student with an approved medical exemption shall be excluded from state-required assessments and state and federal accountability calculations.

B. Participation of Students with Disabilities in Home/Hospital Settings

If a student with disabilities is receiving instruction temporarily or long-term in a home/hospital setting, the ARC shall follow the procedures described in Section 2 of this document and all federal and state requirements related to due process. A student eligible for participation in the Alternate Assessment Program who is receiving instruction in home/hospital settings shall participate in the Alternate Assessment unless the student has an injury or illness verified by a physician in accordance with the procedures described in Section 7 and 704 KAR 7:120. [General Conditions for Using Accommodations

Accommodations shall meet the following conditions:

- (1) ~~For students with a disability, accommodations in the instructional process shall be both age appropriate and related to both the student's verified disability and specially designed instruction described in the student's IEP or intervention strategies described in the student's 504 Plan. For students with limited English proficiency, accommodations in the instructional process shall be related to both the student's level of English language proficiency and specially designed instruction described in the student's PSP. Accommodations shall be based on the individual needs of the student and not on a disability category (e.g., emotional behavior disabilities, specific learning disabilities, multiple disabilities, other health impairment, etc.) or designation as limited English proficient. The use of technology shall be considered as an accommodation before adult accommodation (e.g., reader, scribe), if feasible. A shortage of workstations, software, physical space, or training shall not be used as a reason to not provide assistive technology as an accommodation.~~
- (2) ~~Evaluation information and/or data support the need for intervention and accommodations in the specified area of need;~~
- (3) ~~Accommodations shall be part of the student's ongoing instructional program and not introduced for the first time during state required assessments; furthermore, caution shall be used prior to making IEP, 504 Plan or PSP changes near or within the state-required assessment window;~~
- (4) ~~Accommodations shall be for the purpose of students accessing the general education curriculum and demonstrating what they know and are able to do;~~
- (5) ~~Changes in the administration of the assessment or recording of student responses shall be consistent with the instructional strategies, assistive technology devices, and services identified on the student's Individualized Education Program (IEP), 504 Plan; or Program Services Plan; and~~

- ~~(6) Accommodations shall not inappropriately impact the content being measured.~~
~~(7) Accommodations shall be considered temporary strategies and shall be faded as the student gains skills and knowledge. Accommodations shall not be a substitute for instruction.~~

~~B. Conditions for Specific Accommodations~~

~~————There are a variety of accommodations that may be appropriately used for students with disabilities on the state required Assessment, including:~~

- ~~● use of assistive technology;~~
- ~~● readers;~~
- ~~● scribes;~~
- ~~● paraphrasing;~~
- ~~● extended time;~~
- ~~● reinforcement and behavioral modification strategies;~~
- ~~● manipulatives;~~
- ~~● prompting or cueing; or~~
- ~~● interpreters.~~

~~Accommodations may be appropriately used for students with language needs on the state required Assessment including:~~

- ~~● use of assistive technology;~~
- ~~● readers;~~
- ~~● scribes with limited conditions;~~
- ~~● extended time;~~
- ~~● prompting or cueing;~~
- ~~● interpreters for students with deafness or hearing impairment; or~~
- ~~● simplified language and oral native language support for LEP students.~~

~~In order to foster independence, carryover to post-school activities, and self-advocacy skills in general, assistive technology shall always be considered as an early choice regarding accommodations. When assistive technology is not appropriate, any individual who scribes, reads, or provides any other assistance to a student with disabilities during the state required Assessment shall be trained in his/her role and responsibilities and abide by confidentiality laws, provisions of 703 KAR 5:080, 703 KAR 5:160, and this administrative regulation, and the conditions under which each student uses the accommodation as described in the student's IEP, 504 Plan, or Program Services Plan. Any non-certified person providing assistance for a student with disabilities or limited English proficiency shall read and sign a Non-Disclosure Agreement.~~

~~Students with disabilities participating in the state required assessments shall be administered particular forms of the tests through a random distribution identical to that of students without disabilities. The only permissible exceptions to the random distribution shall involve a student with limited English proficiency as described in~~

~~Section 3(c) of this document, and on-line testing, audiotape testing, visual impairments, or hearing impairments that use specific forms of the assessment.~~

~~Use of Assistive Technology~~

~~The Admission and Release Committee, 504 Plan Committee or Program Services Plan Committee shall consider under what conditions a student may use technology on a routine basis during instruction. During the state required Assessment, a student with a disability or limited English proficiency may use special equipment, including assistive technology described in the student's IEP, 504 Plan or PSP, which is part of the student's regular instructional routine. "An assistive technology device, as defined by (PL 105-394), is any item, piece of equipment or product system whether acquired commercially, off the shelf, modified, or customized that is used to increase or improve functional capabilities of individuals with disabilities." Examples include the following:~~

- ~~• Amplification equipment;~~
- ~~• Noise buffers;~~
- ~~• Magnifying devices;~~
- ~~• Non-calibrated ruler or template;~~
- ~~• Communication boards or devices;~~
- ~~• Word processors;~~
- ~~• Talking calculators;~~
- ~~• Speech to text software or devices;~~
- ~~• Close-captioned or video materials;~~
- ~~• Audio file of state required assessment;~~
- ~~• Cranmer Abacus;~~
- ~~• Text to speech software or devices;~~
- ~~• Auditory trainer;~~
- ~~• Electronic dictionaries; and~~
- ~~• Braille writers;~~
- ~~• Refresher Braille;~~
- ~~• Signing avatar;~~
- ~~• Word prediction; and~~
- ~~• Screen readers.~~

~~If the use of special equipment (e.g., talking calculators, electronic dictionaries) during the state required assessment would influence the performance of another student, then the assessment shall be administered to the student in an alternative setting or with headphones.~~

~~If it is necessary for a student with special needs or limited English proficiency to complete written work (including responses to test items) on a computer and this accommodation is noted on a student's IEP, 504 Plan, or Program Services Plan and if this procedure is routinely used in the student's regular instructional program, it may be used when responding to open response questions and on-demand writing while participating in the state required assessment. One option for capturing written responses is to administer the state required assessment through the online version. If online~~

~~assessment is not possible due to technical issues the following alternative method may be used to collect student responses:~~

- ~~1. A template must be prepared, in advance of the beginning of the on-demand assessment, in the appropriate word processing program for the student's use. This template shall include, as a header at the top of each page, the words "APPENDIX A: STUDENT RESPONSE PAGE" and the date of the assessment administration. Following those words, the header for each page shall include space for the:~~
 - ~~• student name;~~
 - ~~• name of the school district;~~
 - ~~• lithocode number from the student's Student Response Booklet;~~
 - ~~• name of school;~~
 - ~~• name of the content area test being taken; and~~
 - ~~• question letter or number.~~
- ~~2. A student's response to one or more open response questions shall not be saved to the hard drive of the computer where the student is working.~~
- ~~3. A student's response to one or more open response questions shall not be saved to any part of a computer network to which the student's computer may be attached.~~
- ~~4. The student's responses to all open response questions shall be saved directly and only to a compact disc or portable drive as appropriate for the computer being used.~~
- ~~5. After the student completes work on a testing session, the following steps shall be taken immediately (i.e., with absolutely no break in time after the student completes work):~~
 - ~~a) The responses completed by the student during that testing session shall be printed.~~
 - ~~b) The printed responses shall be placed into the student's Student Response Booklet.~~
 - ~~c) The CD or portable drive upon which the student's responses to the open response questions from that testing session were saved shall be securely stored until the next testing session for that student.~~
 - ~~d) The student's Student Response Booklet shall be securely stored until the next testing session for that student.~~
 - ~~e) The computer upon which the student was working shall be logged off of any network to which it was attached and completely powered down to ensure that all trace of the student's work which may have been saved in a temporary file has been eliminated.~~
- ~~6. When the Student Response Booklet is submitted to the testing contractor for scoring, the CD shall be submitted as well. The CD shall be physically destroyed by the testing contractor. If a portable drive was used for storing student answers, all information shall be deleted from the drive and a written statement submitted to the testing contractor confirming this action.~~

Use of Readers

~~If listening to a reader is the normal mode through which the student is presented regular print materials, reading assessments may be read to a student on the premise that the intent of reading is to measure comprehension. This shall be documented on the student's IEP, 504 Plan or Program Services Plan. Instruction related to reading performance shall not be replaced by accommodations.~~

~~In order for the use of a reader to be allowed during the state required assessments, the ARC or 504, or Program Services Plan Committee shall have considered under what conditions a student will use a reader or special materials (e.g., Braille, large print, audio or assistive technology) on a routine basis during instruction.~~

~~A "reader" shall not inappropriately impact the content being measured. The role of the "reader" described below shall be considered in the context of the student's IEP, 504 Plan or PSP and how the student reads routinely for instructional activities and classroom assessments.~~

~~The "reader" shall:~~

- ~~• read the directions, prompts, situations, passages, and stories as written unless the student meets the criteria outlined in this document for "paraphrasing." In this case, the "reader" shall follow the rules for "paraphrasing";~~
- ~~• not use information to lead the student to specific information needed for answering the open response items or multiple choice questions;~~
- ~~• re-read the directions, prompts, situations, passages, and stories, only if specifically requested by the student;~~
- ~~• not point out parts of the task, questions, or parts skipped by the student; and~~
- ~~• read individual words or abbreviations that are mispronounced by text or screen readers, if specifically requested by the student.~~

Use of Scribes

~~In order for the use of a scribe to be allowed during the state required assessments, the Admissions and Release Committee, or 504 Committee shall have documentation of the disability's impact on writing and considered under what conditions a student will use a scribe or supplementary aids (e.g., Braille writers, communication boards, audio recorder, assistive technology, notetaker) on a routine basis during instruction. A Program Services Plan may include the use of a scribe for LEP students under limited conditions as described in Section 3 of this Document.~~

~~A scribe is not to be used as a replacement for writing instruction or assistive technology. A "scribe" shall not be used for the state required Assessment if one of the following conditions is present:~~

- a student does not have a verified disability (e.g., specific learning disability, traumatic brain injury, physical disability, autism, mild mental disabilities) or limited English proficiency which significantly impacts written expression or a physical disability which impedes the motor process of writing;
- a student has the ability to translate thoughts into written language and is motorically able to print, use cursive techniques, or use technology (e.g., word processor; typewriter, augmentative communication device) at a rate commensurate with same age peers;
- the student is able to produce the product, but the product would be more legible if it were scribed (i.e., to enhance written products); or
- the student has a motoric physical disability or severe disability in the area of written expression, but is able to use appropriate technology or assistive technology to respond to the task independent of a “scribe”.

Technology and natural supports shall be used prior to the more intrusive process of using a “scribe” and these strategies should be provided in the normal course of instruction. A “scribe” shall not inappropriately impact the content being measured. A “scribe’s” role shall be to record the student’s work to allow the student to reflect what the student knows and is able to do while providing the student with an alternative means to express his thoughts and knowledge. At no time shall a student’s ideas, revisions, or editing be characterized as teacher-, peer-, or parent-authored. In all components of the state required assessment, a student shall be the sole creator, author, decision-maker and owner of his work. A “scribe” shall record in writing or via word processing student responses consistent with accommodations described in the student’s IEP, 504 Plan or Program Services Plan for instructional activities and classroom assessments.

Specific Test Components – Role of Scribe:

Multiple choice Questions

If a “scribe” is used to assist students with completing multiple choice items, the “scribe” shall merely record the answer selected by the student. Generally, only students who have physical limitations who are unable to respond to classroom test items by marking answer documents shall use a “scribe.”

Portfolios

When a “scribe” is needed for portfolio development, the “scribe” records what the student dictates word for word. The “scribe” shall format, capitalize, and punctuate the student’s writing as directed by the student or with whatever punctuation seems to best reflect the student’s verbal flow of ideas. For example, rising inflection at the end of a spoken phrase shall be indicated by a question mark. Similarly, a pause following the statement of a complete idea shall be indicated by a period. The “scribe” shall do the scribe’s best to punctuate the student’s phrases as they are spoken, without undue deliberation and without subsequent correction. The work of a “scribe” shall accurately reflect the text being dictated by the student. The scribe may also ask the student to spell specific words, indicate words to capitalize, and where to use punctuation. The “scribe” shall not correct grammar, run-on sentences, or organization of the student’s ideas.

During conferencing the teacher may ask the student to read his work aloud or the teacher may read the student's work aloud to determine what changes the student thinks are necessary. The "scribe" shall give the written product to the student to revise and edit. The teacher may ask the student questions. However, the student, as the writer shall decide what to add and delete, how to elaborate and extend ideas, connect his thoughts and clarify purpose, audience, meaning, content, and organization. A student may revise and edit his pieces using technology or manual writing (cursive or printing), or may dictate revisions and edits to the "scribe." A scribe may type a portfolio piece for the student if the student asks for it to be typed and if the student is unable to type for him/herself. However, the student shall be present and participating in the portfolio development.

Since portfolio entries are developed over time as an integral part of instruction, students receiving specially designed instruction and related services as described in an IEP or interventions and accommodations described in a 504 Plan or Program Services Plan shall be writing as part of their normal course of instruction. This shall include writing across content areas (e.g., mathematics, science, social studies, arts and humanities, language arts, practical living/vocational studies).

Open-Response Items

When a "scribe" is needed for assisting students with open response items, the scribe shall write what the student dictates. Since the purpose of the open response items is to assess the application of knowledge in the content areas, the "scribe" may record the student's responses using correct spelling, punctuation, and capitalization. The "scribe" shall not correct grammar, run-on sentences, or organization of the student's ideas. A student who qualifies for a scribe may choose to have the scribe keyboard the student's open response on the computer in order to use other writing supports available with assistive technology.

On-Demand Writing

When a student needs a "scribe" to address on-demand writing, the "scribe" shall write what the student dictates. The "scribe" shall follow the directions for use of a "scribe" for portfolios. The "scribe" shall not provide instruction or conference with the student during the on-demand writing prompt. The "scribe" shall not correct grammar, run-on sentences, or organization of the student's ideas. A student who qualifies for a scribe may choose to have the scribe keyboard the student's open response on the computer in order to use other writing supports available with assistive technology.

Local districts and schools shall decide who may be a "scribe" or a "reader" for state required assessment. Although peer tutors are used frequently during instruction, they shall not be used for open response items, on-demand writing prompts, and multiple-choice items due to the requirements of 703 KAR 5:080 and confidentiality (KRS 160.700 et seq.).

Use of Paraphrasing

Paraphrasing is used to restate printed text or oral communication using other words or forms that are often simpler.

On-demand tasks (i.e., open response items, multiple choice questions, and writing prompts) may be paraphrased under the following conditions:

- the student's IEP includes specific goals and objectives and specially designed instruction related to reading comprehension, language, listening comprehension or describes supplementary aids and services and accommodations necessary for the student to access the general education curriculum (i.e., participation in the regular education program), or the student's 504 Plan includes intervention strategies and modifications addressing these areas.

A "paraphraser" shall not be a replacement for reading, listening, or oral communication instruction or assistive technology.

Paraphrasing for the state required Assessment and Accountability Programs shall be consistent with classroom instruction and includes:

- repeating or rephrasing the on-demand tasks, directions, prompt, or situation. This shall include breaking directions and sentences into parts or segments or using similar words or phrases, but shall not include defining words or concepts or telling a student what to do first, second, etc. Stories (reading passages) and content passages may not be paraphrased.

A "paraphraser" shall not inappropriately impact the content being measured.

Use of Extended Time

Students with disabilities who have IEPs, 504 Plans or students with limited English proficiency who have Program Services Plans that stipulate extra time is needed to complete assessments shall be allowed extended time to complete items on state required tests as long as extended time is an accommodation for assessments and completion of assignments as part of their daily instructional routine. To warrant additional time on the state required assessment, students shall be making constructive progress on completing their responses and the school shall provide proper supervision to maintain an appropriate assessment atmosphere.

Use of Reinforcement and Behavior Modification Strategies

Students with disabilities who have IEPs or 504 Plans that stipulate the use of reinforcement or behavior modification strategies (e.g., points for being on task, use of technology or online testing to focus attention or reduce stress, or testing in a separate

location outside the regular classroom), and the use of such strategies are implemented during routine instruction, may use these strategies on the state-required Assessment.

If behavior modification strategies are not stipulated in a student's IEP or 504 Plan, they still may be implemented for a student who displays aggressive or disruptive behavior during testing. They shall be administered in the best interest of the student and other students who may be impacted by the behavior. If school staff decide to administer the assessments to the student in a separate location, all standards for appropriate test administration and security shall be maintained. If a student is not making progress in completing the assessment items and the student's behavior impacts the performance of other students, then school staff may remove the student from the assessment situation as they would a student without disabilities. If the test the student is being administered is part of the accountability program, the school shall receive a non-performance score for the student for the unfinished content area of the assessment and the student's score is included in calculations to determine school success.

Use of Manipulatives

Manipulatives may be used to complete the state-required assessments and the development of portfolios if they are a strategy used by the student to solve problems routinely during instruction and the use of manipulatives is described in the student's IEP or 504 Plan or manipulatives are provided as part of the prompts for the state-required Assessments. However, the student shall not be encouraged to use manipulatives if the student has not initiated their use.

Use of Prompting or Cueing

For some individual students with disabilities and/or limited English language proficiency, prompts, cues and notebooks are an essential part of their specially designed instruction or an accommodation depending on the student's disability and/or level of English language proficiency and the impact these have on learning. Evidence from the student's evaluation information and present level of performance shall support the need for these strategies and demonstrate that a student's disability and/or limited English proficiency has impacted the student's acquisition, retrieval, memory or organization of learning, and therefore the student's specially designed instruction and accommodations include memory, organization, retrieval or acquisition strategies or devices. These strategies and devices may take many forms, including technology-based formats and strategies.

During classroom instruction these prompts, cues, and notebooks become a collection of tools to assist a student with disabilities in accessing the general education curriculum, organizers for their thinking and work, a management strategy to assist a student in organizing their learning and memory devices (e.g., mnemonics, student reading aloud to

teacher) that foster English language acquisition, life-long learning, independence and self-cueing strategies. Personal reference notebooks and cue cards, when specified as an accommodation for a student with disabilities and/or limited English proficiency, are specific to the child and consistent with the needs of the individual student and his/her specific disability or limited English proficiency. They are personal and not generic.

The use of these strategies and guides for assessment shall be student initiated and not teacher initiated.

The teacher shall not draw figures, suggest leading sentences, point out steps to follow, or provide content information needed to address test questions or during the administration of the state required assessment.

During “conferencing” for portfolio pieces, the teacher may guide instruction as part of guided practice using strategies such as prompting, cueing, explaining, and restating questions. Teachers may show students with disabilities and/or limited English proficiency who are using technology how to move margins, paragraphs, etc., when creating portfolio entries as part of the instruction to learn word processing skills. However, only the student shall indicate where to move paragraphs, sentences, words and margins.

There may be prompts, personal reference notebooks and/or other materials that are not designed for the purpose of the state required assessment but for instructional purposes. Classroom teachers often have students keep class or personal reference notebooks and develop prompts and cues as part of instruction and as an instructional management strategy. All of the materials that might be included in a personal notebook or cueing system during classroom instruction will not be appropriate for inclusion during administration of the state required assessments. No content information shall be included in graphic organizers and/or cueing systems during test administration.

EXAMPLES AND NON-EXAMPLES OF PROMPTS AND CUES FOR STATE-REQUIRED ASSESSMENTS

NOTE: Graphic organizers and cueing systems used for state-required assessments shall be content free.

Examples Can Be Used in the State Assessment	Non-Examples CANNOT Be Used in the State Assessment
Graphic organizer (e.g. concept/comparison organizer or matrices, Venn diagrams, classification web, KWL chart, metaphor thinking organizer, an organizer for making predictions, flowcharts, sequence chains, web) that the	A graphic organizer completed with content information comparing and contrasting the similarities and differences of geographic locations, a web of subsystems of a habitat, a Venn diagram illustrating relationships between specific human body systems, a

child typically uses to construct responses routinely for assignments and classroom tests.	timeline illustrating historical time periods of specific music, a web classifying animals by body structure, needs, habitat, and geographic locations, a completed prediction organizer about how the changing demographic patterns in the United States may impact business, natural resources, politics and education in 2075.
Cue card with a checklist of the steps for editing, revision, or the writing process.	A cue card, article, or draft of writing with key knowledge or information about a specific artist or the earth's movement.
Cue card, thinking map, questioning guide or matrix with strategies to generate ideas such as brainstorm ideas, generate many ideas, generate different types of ideas, generate unusual ideas, elaborate adding details to the ideas, assess ideas to decide what ideas best match the context of the task.	A completed brainstorming or thinking map with ideas about how to handle bullying or how to welcome new students in the school. A completed thinking map about how to attract new businesses to the community or how a character in a book could handle a situation in different ways, or how to expand arts for children in the community including displays of children's artwork.
A cue card with mathematics formulas, properties, theorems, and right angle relationships (e.g., Grade 8 or 11 Mathematics Reference Sheets) or a cue card providing formulas with an example.	A cue card with mathematics formulas including multiple examples of open-response mathematics problems.
Cue card or web with a mnemonic such as RAP (read, ask yourself a question, put it in your own words).	Cue card or graphic organizer with key concepts and content about the water cycle, human body systems, or Kentucky history.
Technology based graphic organizers content free.	Technology based organizers such as a completed webbing organizer that contains the content of the parts of a plant or major cultural, economic and political influences on art.
Verbal or Written Prompt: "It's time to start."	Verbal or Written Prompt: "Do you think you have written a complete answer?"
Verbal Prompt: "When you are ready to move on to the next section, let me know."	Verbal Prompt: "It looks like you have written a complete and good response. Let's move on to the next section."
Technology created spreadsheet that is	Technology created spreadsheet with

content free.	completed content of demographic patterns in the United States.
Student initiated use of word prediction software with the student making decisions about the word choice.	Teacher directing a student to the best word choice to use.

Interpreters for a Student with a Hearing Impairment

The state required assessments may be signed (i.e., translated to the student in sign language) for students with disabilities under the following condition:

- the student has a verified disability in the area of hearing to the degree that the student's development of language (i.e., receptive and expressive) is significantly impacted or the student uses sign language as the normal mode of communication due to his disability;

“Signing” shall not be a replacement for technology or reading instruction. The interpreter shall not indicate correct answers to test items. For example, interpreters shall not define words for students, provide content, or teach vocabulary or concepts during the on-demand writing, open response, or multiple choice assessments.

Interpreters who are also scribes shall follow the policies on scribing outlined in this document. Interpreters must adhere to the grammatical equivalent of English without adding to or elaborating on the content.

Use of Simplified Language and Oral Native Language Support for a Student with Limited English Proficiency

The use of simplified language and oral native language support for a student with Limited English Proficiency shall not inappropriately impact the content being measured. These direct linguistic supports shall not be a replacement for providing instruction in English but will be used to support the student's meaningful participation in English speaking classrooms.

Simplifying language and vocabulary shall not change the overall context of the test materials or the content, but ensures that students understand how to take the test. Specific words may be exchanged, but words cannot be defined as part of simplifying language. Directions for test administration may be described using less complex words (i.e., the word “assessment” becomes “test”) and sentence structure (i.e., break a sentence into smaller sections).

Oral native language support shall be based on a student's individual language needs as documented in the PSP. This accommodation may range from assistance with specific

~~vocabulary to a sight translation which means rendering printed English test materials orally in the student's native language. The accommodation of oral native language support may include providing directions orally in a student's native language. The accommodation may also incorporate some simplification of language in the test administration directions. }~~

SECTION 7– INCLUSION OF STUDENTS IN THE ALTERNATE ASSESSMENT PROGRAM

Students with disabilities may at some point need accommodations as part of their instructional supports. Federal and state laws require districts to make instructional decisions regarding the IEP based on a process of data analysis using evaluation information, observations, and on-going progress monitoring. Accommodations shall be determined through the use of the same process. Accommodations for students with a disability shall be both age-appropriate and related to both the student's verified disability and specially designed instruction described in the student's IEP.

The ARC shall use a process of data analysis to determine which accommodation(s) improve student achievement toward independence. Accommodations need to be selected based on student need, incorporated into daily instruction, and monitored for their effectiveness and impact on the student becoming independent. When age-appropriate, student involvement in the selection and use of accommodations fosters understanding and leads to an active role in the learning process.

The use of accommodations is not intended to hamper or limit student progress and growth. As a student's skills develop and increase, accommodations should be faded to levels of support that are less intrusive. Instructional strategies and specially designed instruction should support the student while accommodations are being decreased to the degree possible. Specific strategies shall be in place for the student to use as an alternative once accommodations are faded.

As students have a more active role in their learning process, instruction should promote the student's ability to recognize when, why and how accommodations benefit them as well as when it is time to move forward independent of these supports.

A. General Conditions for Using Accommodations

Accommodations shall meet the following conditions:

1. Accommodations shall be considered transitional strategies and shall be faded as the student gains the skills necessary for an independent level of academic performance.
2. Accommodations shall not impact the content validity being measured.
3. For students with a disability, accommodations shall be age-appropriate and clearly described in the student's IEP.

4. Accommodations shall be for the purpose of students accessing the general education curriculum and demonstrating what they know and shall in no way lead the student to the correct answer.
5. Accommodations shall be based on the individual needs of the student and not on a disability category (e.g., emotional-behavior disabilities, specific learning disabilities, multiple disabilities, other health impairment, etc.)
6. Accommodations do not substitute for high quality instructional practices.
7. Evaluation information and/or progress data shall support the need for intervention and accommodations in the specified area of need.
8. Accommodations shall be part of the student's on-going instructional program and not introduced for the first time during state-required assessments.
9. Caution shall be used prior to making IEP changes near or within the state-required assessment window.
10. The use of technology may be considered as an early accommodation before adult provided accommodations (e.g., reader, scribe), if feasible. A shortage of workstations, software, physical space, or training shall not be used as a reason to not provide assistive technology as an accommodation.
11. Test administrators must be informed of all student accommodations prior to state-required assessments in order to ensure student needs are met.
12. Changes in the administration of the assessment or recording of student responses shall be consistent with the instructional strategies, assistive technology devices, and services identified on the student's IEP. The selection of the accommodations shall be based on data analysis that supports the effectiveness and need for the specific accommodation.

B. Conditions for Specific Accommodations

There are a variety of accommodations that may be appropriately used for students with disabilities on the state-required Alternate Assessment Program, including but not limited to:

- Use of assistive technology
- Manipulatives
- Scripted assessment
- Scribes
- Paraphrasing
- Reinforcement and behavior modifications strategies
- Prompting and cueing
- Interpreters for students with deafness or hearing impairment

In order to foster independence, carryover to post-school activities, and self-advocacy skills in general, assistive technology shall always be considered as an

early choice, regarding accommodations. When assistive technology is not appropriate, individuals providing assistance to a student with disabilities during the state-required assessment shall be trained in his/her responsibilities and abide by confidentiality laws, provisions of 703 KAR 5:080 and this administrative regulation, and the conditions under which each student uses the accommodation as described in the student's IEP. Any person not working in a certified position providing assistance for a student with disabilities or limited English proficiency shall read and sign a nondisclosure agreement.

1. Use of Assistive Technology

“An assistive technology device, as defined by (PL 105-394), is any item, piece of equipment or product system whether acquired commercially, off the shelf, modified, or customized that is used to increase or improve functional capabilities of individuals with disabilities.” The use of assistive technology shall not impact the validity of the state-required assessment and shall in no way lead the student to the correct answer. In order for the use of special equipment, including assistive technology, to be allowed during the state-required assessments, the ARC shall have considered under what conditions a student will use the technology on a routine basis during instruction. Evaluation information and progress data shall support the need for technology. Examples may include, but are not limited to the following:

- Amplification equipment
- Noise buffers
- Magnifying devices
- Non-calibrated ruler or template
- Communication boards or devices
- Word processors
- Computer/laptop
- Talking calculators
- Speech-to-text software or devices
- Text-to-speech software or devices
- Close-captioned or video materials
- Audio file of state-required assessments
- Cranmer Abacus
- FM Trainer
- Electronic dictionaries
- Refresher Braille
- Signing avatar
- Word prediction

If other assistive technology devices are provided and not included on this list, they can and shall be given if they have been used during the regular

instructional routine all year for the student. The assistive technology device can in no way lead the student to a correct answer.

2. Use of Manipulatives

The use of manipulatives shall not impact the validity of the state-required assessment and shall in no way lead the student to the correct answer.

In order for the use of manipulatives to be allowed during state-required assessments, the ARC shall have considered under what conditions a student will use manipulatives during instruction. Evaluation information and progress data shall support the need for manipulatives.

In addition to the student's regular manipulatives offered, a student may have one 3 inch x 5 inch notecard with graphic organizer(s) drawn on it (front and/or back) for the assessment. This can serve as a trigger to organize his or her thoughts.

3. Scripted Assessment

Students completing an Alternate Assessment will be provided a picture-based assessment conducted in a one-to-one setting. The assessment is scripted for the test administrator to follow.

4. Use of Scribes

A scribe shall not impact the validity of the state-required assessment. Therefore in order for the use of a scribe to be allowed during the state-required assessment, the ARC shall have documentation of the disability's impact on writing and considered under what conditions a student will use a scribe on a routine basis during instruction. Evaluation information and progress data shall support the need for a scribe. A scribe shall not be used as a replacement for writing instruction or assistive technology.

The use of a scribe during the state-required assessment shall be limited to the following conditions:

- a student has a verified disability as documented in the IEP that impacts written expression to a degree that the student's performance is significantly and consistently below the same age peers;
- a student is unable to translate thoughts into written language and is not able to print, use cursive techniques, or use technology; or
- a student is able to translate thoughts into written language but is not able to print, use cursive techniques or use technology

It is at the discretion of local districts and schools to determine who may serve in the capacity of a scribe for the state-required assessment. Peer tutors are not allowed due to the requirements of 703 KAR 5:080 and confidentiality (KRS 160.700 et seq.). In all components of the state-required assessment, a student shall be the sole creator, author, decision-maker and owner of his/her work. The role of

the scribe during the required assessment shall be to produce the response when provided by the student.

5. Use of a Calculator

A calculator shall not impact the validity of the state-required assessment. Therefore in order for the use of a calculator to be allowed during the state-required assessments, the ARC shall have documentation of the disability's impact on mathematics calculation/reasoning and considered under what conditions a student will use a calculator on a routine basis during instruction. Evaluation information and progress data shall support the need for a calculator. A calculator shall not be used as a replacement for mathematics instruction or assistive technology.

6. Use of Paraphrasing

The use of paraphrasing shall not impact the validity of the state-required assessment and shall in no way lead the student to the correct answer. Paraphrasing shall not be used as a replacement for reading, listening, or oral communication instruction. Therefore, in order for the use of paraphrasing to be allowed during the state-required assessment, the ARC shall have considered under what conditions a student will need paraphrasing on a routine basis during instruction. Evaluation information and progress data shall support the need for paraphrasing.

Paraphrasing during the state-required assessment shall be limited to the following:

- breaking directions into parts or segments;
- using similar words or phrases in directions; and
- repeating or rephrasing directions.

Paraphrasing shall not include defining words or concepts, teaching vocabulary, or telling a student what to do first, second, etc. Reading passages and content passages may not be paraphrased as that would inappropriately impact content validity.

7. Use of Reinforcement and Behavior Modification Strategies

In order for the use of reinforcement and behavior modification strategies to be allowed during the state-required assessment, the ARC shall have considered under what conditions a student will need reinforcement and behavior modification strategies on a routine basis during instruction. Evaluation information and progress data shall support the need for reinforcement and behavior modification strategies.

Reinforcement and behavior modification strategies may include:

- Verbal, tangible or tactile reinforcements for being on task;
- Use of technology to focus attention or reduce stress; and
- Testing in a separate location outside the regular classroom

If the use of reinforcement and behavior modification strategies during the state-required assessment had the potential to influence the performance of another student, then the assessment shall be administered to the student in an alternative setting. Testing administrators should refer to the student's IEP plan and or behavior intervention plan should the student display disruptive or aggressive behavior during testing.

8. Use of Prompting and Cueing

The use of prompting and/or cueing shall not impact the validity of the state-required assessment and shall in no way lead the student to the correct answer.

In order for the use of prompting and cueing to be allowed during the state-required assessments, the ARC shall have considered under what conditions a student will need prompting or cueing on a routine basis during instruction. Evaluation information and progress data shall support the need for prompting and cueing.

Prompts and cues shall only include verbal and non-verbal (gestural, written or visual) prompts and cues to attend to task.

9. Interpreters for a Student with Deafness or a Hearing Impairment

An interpreter shall not impact the validity of the state-required assessment and shall in no way lead the student to the correct answer. Therefore, in order for the use of an interpreter to be allowed during the state-required assessment, the ARC shall have considered under what conditions a student will use an interpreter on a routine basis during instruction. Evaluation information and progress data shall support the need for an interpreter.

An interpreter shall not be used as a replacement of assistive technology.

An interpreter may sign during the state-required assessment (i.e., translate to the student in sign language) under the following conditions:

- The student has a verified disability in the area of hearing to the degree that the student's development of language (i.e., receptive and expressive) is significantly impacted.
- The student uses sign language as the normal mode of communication due to his/her disability.

The role of the interpreter during state-required assessment shall be limited to the following:

- Shall not indicate correct answers to test items and
- Shall not define words for the student, provide content or teach vocabulary or concepts.

Interpreters who are also scribes shall follow the policies on scribing outlined in this document. Interpreters must adhere to the grammatical equivalent of English without adding to or elaborating on the content.